

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DARVELL L. SMITH,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:10-CV-1916-CDP
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon the filing of movant's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 [Doc. #1]. Movant is an inmate at the Federal Correctional Institution in Terre Haute, Indiana.

Upon review of the instant motion, the Court notes that it has not been filed on a Court-provided form. The Court will order movant to file an amended § 2255 motion on a court-provided form.<sup>1</sup> Movant is advised that the amended § 2255 motion will supercede his original motion to vacate [Doc. #1] and will be the only motion to vacate that this Court reviews.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that, in addition to a copy of this Order, the Clerk shall forward to movant the court-provided form

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<sup>1</sup>Both this Court's Local Rule 2.06(A) and Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts give this Court the authority to order movant to amend his petition on a court-provided form.

(AO form 243) for filing a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody.

**IT IS FURTHER ORDERED** that movant shall complete and return his amended § 2255 motion within thirty (30) days from the date of this Order. Movant shall include in said amended motion any and all grounds for relief that he wishes to pursue under 28 U.S.C. § 2255. In addition, movant must sign and date the amended motion.

**IT IS FURTHER ORDERED** that if movant fails to sign, complete, and return his amended § 2255 motion within thirty days, the Court will dismiss the instant action, without prejudice.

**IT IS FURTHER ORDERED** that upon movant's filing of the amended motion, the Clerk of Court shall file it under seal. Thereafter, the Clerk shall resubmit this matter to the Court for review under Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts.

**IT IS FURTHER ORDERED** that the Clerk of Court shall file movant's original motion to vacate [Doc. #1] under seal and shall file movant's hand-written submission dated November 21, 2010, which was received by the Court on November 29, 2010, under seal.

**IT IS FURTHER ORDERED** that if movant seeks to submit future filings under seal, he must file an appropriate motion requesting leave of court to do so.

Dated this 6th day of December, 2010.

  
**UNITED STATES DISTRICT JUDGE**